UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *13 December 2007*.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *30-33, 37-40, 44, 72-75, 79-82, 86, 93-96, 99-102, 105, 111-115, 119-123, 127 and 135-150* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/12/04*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Continuation of Disposition of Claims: Claims pending in the application are 30-33,37-40,44,72-75,79-82,86,93-96,99-102,105,111-115,119-123,127 and 135-150.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed December 18, 2007 have been fully considered but they are not persuasive.

2.   With regards to the objections to the information disclosure statement. Not all copies of foreign patens have been received and not all English language abstracts have been received.

3.   The objections to the specification have been withdrawn.

4.   With regards to the rejections of claims 30 – 33, 37 – 40 and 44, Guthrie teaches all the limitations of the newly amended claims. Guthrie discloses capturing communication data and using that communication data to determine when the number of login failures exceeds a certain number. Guthrie disclosing keeping an audit trail of each login attempt including date and timestamps (column 13, lines 46-48) is the same as capturing communication data. This login information is used to ensure security (column 13, lines 62-63) and keep track if the number of login failures exceeds a predetermined amount (column 8, lines 10-12).

5.   With regards to rejections of claims 93 - 96, 99 - 102, and 105, Rowland teaches capturing communication data communicated in the network wherein the communicated data is associated with a first and second user. The user profile created for each user captures login times each time the user logs on (column 5, lines 21-30).

6.   With regards to rejections of claims 111 - 115, 119 - 123 and 127, Rowland teaches determining a second login time for the client based on communication data

captured from the network. Rowland teaches setting the clients allowed login time based on the clients history of login times which is collected from communications on the network (column 5, lines 21-30).

7.   With regards to rejections of claims 72 – 75, 79 – 82 and 86, Royer teaches capturing communications data of a login session communicated in a network, and monitoring user logoff and session expiration based on the captured data. Royer teaches that a timestamp is recorded each time an activity is performed and uses that information to determine when there is a session expiration (pages 6-7, paragraph 67). Royer also discloses using the command data to determine when the user wants to logoff (page 7, paragraph 69).

Information Disclosure Statement

8.   The information disclosure statement filed August 12, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

9.   The information disclosure statement filed August 12, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in

the English language. It has been placed in the application file, but the information

referred to therein has not been considered.

10.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

Claim Rejections - 35 USC § 102

11.   Claims 30 – 33, 37 – 40 and 44 are rejected under 35 U.S.C. 102(b) as being

anticipated by R. Scott Guthrie et al's US Patent 6,161,185.

12.   Referring to claims 30, 37 and 44, Guthrie teaches:

  a.   Determining if the user login was a success or failure (column 7, lines 39-

45).

  b.   Capturing communication data communicated in a network connecting a

server application and a client (column 13, lines 46-48).

  c.   Monitoring user login failures between the server application and the client

during a predetermined time (column 8, lines 10-12).

  d.   Detecting whether the number of user login failures (column 8, lines 10-

12) exceeds a predetermined number(column 8, lines 37-40).

13.   Referring to claims 31 and 38, Guthrie teaches that the network may be a local

area network (column 5, lines 4-5).

14.   Referring to claims 136 and 138, Guthrie teaches that the communications data

contains a session identifier that identifies a session established between the server

and the client, wherein monitoring includes identifying communication data containing

the session identifier (column 13, lines 49-50).

15.   Claims 72 – 75, 79 – 82 and 86 are rejected under 35 U.S.C. 102(b) as being

anticipated by Barry Royer et al's US Publication 2002/0135612 A1.

16.   Referring to claims 72, 79 and 86, Royer teaches:

    e.   Capturing communication data of a login session communicated in a

    network connecting a server application and a client (pages 6-7, paragraph 67)

    f.   Monitoring user logoff between the server application and the client based

    on the captured communication data (page 7, paragraph 69).

    g.   Monitoring automatic session expiration between the server application

    and the client based on the captured communication data (pages 6-7, paragraph

    67).

    h.   Determining whether the client completes logoff before the session

    automatically expires (page 7, paragraph 69).

17.   Referring to claims 73, and 80, Royer teaches that the network can be a Wide

Area Network or a Local area network (page 4, paragraph 34).

18.   Referring to claims 74 and 81, Royer teaches that the information may be passed

using Hypertext Transmission Protocol (page 2, paragraph 23).

19.   Referring to claims 75 and 82, Royer teaches that HTTP may be the

communication method (page 2, paragraph 23). It is inherent that this would involve

both HTTP requests and responses.

20.   Referring to claims 140 and 142, Royer teaches that the communications data

contains a session identifier that identifies a session established between the server

and the client, wherein monitoring includes identifying communication data containing

the session identifier (page 7, paragraph 68).

21.   Claims 93 – 96, 99 – 102, 105, 111 – 115, 119 – 123, and 127 are rejected under

35 U.S.C. 102(b) as being anticipated by Craig Rowland's US Patent 6,405,318 B1.

22.   Referring to claims 93, 99 and 105, Rowland teaches:

    i.   Capturing communication data communicated in a network connecting a

server application and at least one client, wherein the captured communication

data is associated with first and second user login sessions for first and second

users, respectively, of the server application (column 5, lines 21-30).

    j.   Monitoring the captured communication data associated with the first and

second user login sessions (column 5, lines 27-30).

    k.   Determining whether the second user login session occurs during the first

user login session when the user of the first and second login session are

identical (column 5, lines 10-11).

23.   Referring to claims 94 and 100, Rowland teaches notifying the controller if

abnormal activity is detected (column 3, lines 44-46).

24.   Referring to claims 95 and 101, Rowland teaches that the information transfer

takes place over a network (column 2, line 64). Rowland also teaches intrusion into

(corresponding to the recited login) different network environments (column 1, lines 11-20).

25.   Referring to claims 96 and 102, Rowland teaches that the users have File Transfer Protocol services, Simple Mail Transfer Protocol services and HTTP services (column 6, lines 31-35).

26.   Referring to claims 111, 119, and 127, Rowland teaches:

l.   Designating a first login time for a client as a disallowed login time (column 4, lines 55-56). It is inherent from determining the allowed hours that the disallowed hours are also known.

m.   Determining a second login time for the client in communication data with a server application based on communication data captured from a network connecting the server application and the client (column 5, lines 21-30).

n.   Determining whether the second login time matches the first login time (column 5, lines 28-30).

o.   If the first and second login times match, indicating that the client in data communication with the server application is logging in at a disallowed login time (column 5, liens 28-30).

27.   Referring to claims 112 and 120, Rowland teaches notifying, or alerting the controller if the user is logged on at a disallowed time (column 5, lines 28-30).

28.   Referring to claims 113, and 121, Rowland teaches that the information transfer takes place over a network (column 2, line 64). He also teaches that this invention is to

solve a problem with connectivity in intranet environments (column 1, lines 11-12).

Intranet inherently includes a local area network.

29.   Referring to claims 114, and 122, Rowland teaches that the users have File

Transfer Protocol services, Simple Mail Transfer Protocol services and HTTP services

(column 6, lines 31-35).

30.   Referring to claims 115 and 123, Rowland teaches that the users are equipped to

handle HTTP requests (column 6, line 35).

31.   Referring to claims 144, 146, 148, and 150, Rowland teaches that the

communications data contains a session identifier that identifies a session established

between the server and the client, wherein monitoring includes identifying

communication data containing the session identifier (column 4, lines 52-53).

Claim Rejections - 35 USC § 103

32.   Claims 32, 33, 39, and 40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Guthrie, and further in view of Stephen F Bisbee et al's US

Publication 2002/0184217 A1. Guthrie discloses all the limitations of the parents claim,

as well as that the network is connected through the Internet (column 5, lines 2-4).

Guthrie does not appear to explicitly disclose using Hypertext Transfer Protocols.

However, Bisbee discloses that when connecting through the Internet that HTTP is a

convenient protocol (page 1, paragraph 2). Guthrie and Bisbee are analogous art

because they are from the same field of endeavor, user authentication. At the time of

the invention, it would have been obvious to one of ordinary skill in the art, having the

teachings of Guthrie and Bisbee before him or her, to modify Guthrie to include HTTP

protocol of Bisbee. The motivation for doing so would have been that it is a convenient

protocol for communication over the Internet (page 1, paragraph 2).

33.   Claims 135 and 137 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Guthrie, and further in view of Nemovicher US Publication 2002/0007453 A1.

Guthrie discloses all the limitations of the parent claims. Guthrie does not explicitly

disclose making a copy of the communications data. However, Nemovicher discloses

creating a backup and archive storage to preserve data from the LAN (page 4,

paragraph 45). Guthrie and Nemovicher are analogous art because they are from the

same field of endeavor, user security. At the time of the invention, it would have been

obvious to one of ordinary skill in the art, having the teachings of Guthrie and

Nemovicher before him or her, to modify the system of Guthrie to include the backup of

Nemovicher. The suggestion/motivation for doing so would have been to preserve data

from the LAN (page 4, paragraph 45).

34.   Claims 139 and 141 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Royer, and further in view of Nemovicher US Publication 2002/0007453 A1. Royer

discloses all the limitations of the parent claims. Royer does not explicitly disclose

making a copy of the communications data. However, Nemovicher discloses creating a

backup and archive storage to preserve data from the LAN (page 4, paragraph 45).

Royer and Nemovicher are analogous art because they are from the same field of

endeavor, user security. At the time of the invention, it would have been obvious to one

of ordinary skill in the art, having the teachings of Royer and Nemovicher before him or

her, to modify the system of Royer to include the backup of Nemovicher. The

suggestion/motivation for doing so would have been to preserve data from the LAN

(page 4, paragraph 45).

35.   Claims 143, 145, 147, and 149 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rowland, and further in view of Nemovicher US Publication

2002/0007453 A1. Rowland discloses all the limitations of the parent claims. Rowland

does not explicitly disclose making a copy of the communications data. However,

Nemovicher discloses creating a backup and archive storage to preserve data from the

LAN (page 4, paragraph 45). Rowland and Nemovicher are analogous art because they

are from the same field of endeavor, user security. At the time of the invention, it would

have been obvious to one of ordinary skill in the art, having the teachings of Rowland

and Nemovicher before him or her, to modify the system of Rowland to include the

backup of Nemovicher. The suggestion/motivation for doing so would have been to

preserve data from the LAN (page 4, paragraph 45).

Conclusion

36.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CORDELIA KANE whose telephone number is

(571)272-7771. The examiner can normally be reached on Monday - Thursday 8:00 -

5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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